

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

**FILED**

United States District Court  
Albuquerque, New Mexico

Mitchell R. Elfers  
Clerk of Court

In the Matter of the Search of:

BLUE CHEVROLET PICKUP TRUCK      No. 23-MR-2237

WHITE SINGLE-WIDE TRAILER      No. 23-MR-2238

TELEPHONIC APPLICATION FOR SEARCH WARRANT  
December 3, 2023

PARTIES ON TELEPHONE CALL:

UNITED STATES MAGISTRATE B. PAUL BRIONES  
FBI SPECIAL AGENT LORRAINE RAINY HARDY

No. 23-MR-2237/No. 23-MR-2238  
US v. Nathan Mescale

Oral Warrant  
December 03, 2023

1 FBI SA HARDY: Okay.

2 THE COURT: This is Judge Paul Briones,  
3 United States Magistrate Judge of the District of New  
4 Mexico. Today is December 3rd, 2023. The time is 7:55  
5 PM. I am on the telephone with FBI Agent Lorraine  
6 Hardy.

7 Agent Hardy, would you tell me the nature of  
8 why -- or I guess it's a search warrant that you're  
9 seeking, correct?

10 FBI SA HARDY: Yes, correct, two search  
11 warrants.

12 THE COURT: Okay. Well, let me do this: I  
13 need you to be recording this. Are you already  
14 recording this conversation?

15 FBI SA HARDY: Yes.

16 THE COURT: All right. So raise your right  
17 hand.

18 FBI SA HARDY: Okay.

19 THE COURT: Do you swear or affirm that the  
20 statements that you are about to make orally are true  
21 and correct, to the best of your knowledge?

22 FBI SA HARDY: Yes.

23 THE COURT: All right. Agent Hardy, tell me  
24 first your credentials to seek a federal search  
25 warrant.

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1 FBI SA HARDY: Yes. I'm a special agent  
2 with the Federal Bureau of Investigation. I work  
3 primarily Indian Country crimes up in the northwestern  
4 New Mexico area.

5 I have experience in all kinds of Indian  
6 Country crimes, to include homicide, assault, child  
7 sexual assault, and serious bodily injury as well as  
8 interstate crimes involving analyzing cellular  
9 telephones, etc.

10 THE COURT: Okay. So let me ask you this:  
11 What crimes are you investigating this evening which  
12 you are seeking a search warrant for?

13 FBI SA HARDY: Yes. This evening, 18 U.S.C.  
14 113(a)(6), which is assault, uh, resulting in serious  
15 bodily injury as well as 18 U.S.C. 2241(a)(1), which is  
16 aggravated sexual abuse using force.

17 THE COURT: All right. And are these -- is  
18 this a crime you're investigating within Indian  
19 Country?

20 FBI SA HARDY: That is correct.

21 THE COURT: All right. Which would be under  
22 18 U.S.C. 1153?

23 FBI SA HARDY: Correct.

24 THE COURT: All right. Well, tell me the  
25 facts that you are -- have become known to you giving

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1 reason for the search warrant.

2 FBI SA HARDY: Yes. Yesterday, Jane Doe  
3 lives in Shiprock and was walking on Highway 491, which  
4 is the major highway through Shiprock.

5 And the subject was, later identified through  
6 law enforcement as Nathan Mescal, year of birth 1989,  
7 pulled up in a late model blue Chevrolet pickup truck  
8 bearing New Mexico license plate 442WYS and grabbed  
9 Jane Doe and threw her in the truck.

10 Jane Doe tried to escape, and the subject  
11 ultimately hit her in the head with the butt of a  
12 pistol. The pistol was identified as a black  
13 semiautomatic.

14 Jane Doe was thrown in the truck, and the  
15 subject sped south down Highway 491 towards Sanostee.  
16 Jane Doe tried to attempt to jump out of the pickup  
17 truck. The subject would grab her and pull her back  
18 in, yelling and threatening her. She still -- driving  
19 at high speeds as well. She still attempted to jump  
20 out of the truck, and he slammed her head into the  
21 dashboard where Jane Doe became unconscious.

22 Jane Doe woke up sometime later, and the  
23 subject was dragging her into a white single-wide  
24 residence. The GPS coordinates to that residence were  
25 identified as 36.4294730, negative 108.8619751.

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1 When Jane Doe was drug into the residence,  
2 right inside the front door on the living room floor,  
3 the subject began to beat her up, hitting her with his  
4 fist in the face and the head. She fell to the floor,  
5 and he ultimately started kicking her while on the  
6 ground to her back and stomach.

7 He then forcibly removed all her clothing and  
8 grabbed her and drug her into the bathroom where he  
9 drug her by her hair of her head and then threw her in  
10 the bathtub, breaking the floor of the bathtub. And  
11 then she was drug into the hallway where he continued  
12 to rape her.

13 The subject was drinking alcohol, which was in  
14 a silver bottle, a large silver bottle, and then  
15 dumping it down Jane Doe's face, attempting to make her  
16 drink but ultimately choking her.

17 The subject would get angry when Jane Doe would  
18 fight back. There were several times during the  
19 evening, yesterday evening and night, where Jane  
20 Doe was raped multiple times in the living room,  
21 bedroom -- subject's bedroom, and the bathroom, and  
22 also strangled multiple times by both of the subject's  
23 hands around her throat, where she passed out multiple  
24 times.

25 Jane Doe defecated and urinated on herself as

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1 well as going in and out of consciousness and throwing  
2 up on the living room floor. Jane Doe was naked the  
3 whole time, clear until this morning where the subject  
4 gave her some of his sweat clothes, to include a black  
5 sweatshirt and some black sweatpants.

6 The subject continued to rape Jane Doe  
7 vaginally all morning. He never left her side. When  
8 he did, she ultimately threw herself out the bedroom  
9 window and ran to the neighbor's.

10 The neighbors -- there was a witness who  
11 answered the door and let her in. The subject was  
12 chasing her with the firearm, and then ultimately ended  
13 up pounding on the back door of the neighbor's house  
14 where police was called.

15 THE COURT: All right. I find -- well, let  
16 me ask you this: I find probable cause to issue the  
17 search warrant. I assume of, what, the home that this  
18 occurred in?

19 FBI SA HARDY: Yes.

20 THE COURT: And the vehicle that you  
21 described as well?

22 FBI SA HARDY: Yes.

23 THE COURT: Okay. And what is the exigent  
24 circumstance requiring an oral warrant this evening?

25 FBI SA HARDY: Yes, Your Honor. The

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1 residence where this occurred, the subject has two  
2 other family members who also live there. And there is  
3 also -- I believe that the evidence that I described  
4 earlier in the affidavit could be ultimately cleaned up  
5 or destroyed if the home wasn't secured prior to the  
6 search warrant.

7 And there just is not enough officers in the  
8 area to keep the home secured for any length of time to  
9 be able to obtain that warrant tomorrow.

10 THE COURT: All right. I find that the  
11 individual that you -- has the perpetrator been  
12 arrested?

13 FBI SA HARDY: He has not. He led officers  
14 on a foot chase through the desert and ended up in an  
15 arroyo. And then it became dark so the officers called  
16 the search off due to the danger of the subject having  
17 a firearm and threatening them with it. They will  
18 continue to look for him tomorrow.

19 THE COURT: Okay. I find sufficient  
20 probable cause to issue a warrant for the vehicle and a  
21 warrant for the white single-wide trailer that you  
22 described by GPS coordinates.

23 I am going to ask you to read the coordinates  
24 again, particularly the second string of numbers,  
25 please.

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1 FBI SA HARDY: Yes.

2 THE COURT: All right. Give me the GPS.

3 FBI SA HARDY: GPS coordinate 36.4294730,  
4 negative 108.8615751.

5 THE COURT: All right. Thank you. And are  
6 you at a place that if I can send you a signed search  
7 warrant, you can print it?

8 FBI SA HARDY: I am, yes.

9 THE COURT: All right. Well, I will do  
10 that. Can I send it to your normal email address?

11 FBI SA HARDY: Yes. That would be fine.

12 THE COURT: All right. I will do that. I  
13 need you to, after we're finished with this, make sure  
14 this recording is -- a transcript is provided to me for  
15 my review and your review as well to certify that the  
16 statements contained are what we both agree were spoken  
17 this evening.

18 I'll go ahead and allow you now to turn off the  
19 tape recorder.

20 FBI SA HARDY: Okay.

21 [End of call.]

22

23

24

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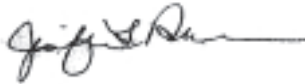
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REPORTER'S CERTIFICATE

I, Jenifer L. Russin, CCR #182, a Certified Court Reporter, do hereby certify that the proceedings of the above-entitled cause were transcribed by me stenographically, and that the within transcript is a true and accurate transcription of my shorthand notes.

I FURTHER CERTIFY that I am neither an attorney nor counsel for, nor related to or employed by any of the parties to the action, and that I am not a relative or employee of any attorney or counsel employed by the parties hereto, or financially interested in the action.



Jenifer L. Russin, RDR, CRR  
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